

### **REMARKS**

Reconsideration of the application in view of the amendments to the claims made herein and the remarks provided below is respectfully requested. Claims 1-11 are pending and claim 1 has been amended.

### **CLAIM OBJECTION**

Claim 1 has been amended to correct the informalities identified by the Examiner. No new matter has been added.

### **CLAIM REJECTIONS - 35 USC 102 and 35 USC 103**

Claims 1, 3, and 5-11 were rejected under 35 USC 102(b) as being anticipated by Glasgow et al. (EP0852938A2) ("Glasgow"). Applicants respectfully traverse.

Claim 1 was previously amended to recite that the claimed sanitary napkin includes:

a preferential bending zone ... said preferential bending zone including a segment crossing the longitudinal axis of the sanitary napkin, *said segment crossing the longitudinal axis obliquely in relation to said longitudinal axis*. (Emphasis Added).

Oblique is defined as follows:

oblique - 1. slanting or sloping. Webster's II New Riverside Desk Dictionary, Houghton Mifflin Company, 1988.

Thus, claim 1 recites that the segment of the preferential bending that crosses the longitudinal axis is slanted (oblique) relative to the longitudinal axis. It is respectfully submitted that the Glasgow reference fails to disclose any such structure.

Glasgow discloses an absorbent product including conforming means in their end regions that, in use, facilitate the products' ability to fit close and conform to the body. (Abstract.) The conforming means 31, 32 includes nonstiffened regions 27, 29 which are located adjacent to stiffened elements, 26, 28. (Col. 7, ll. 43-51). Stiffened elements 26, 28

extend transversely across end regions 22, 24 and are generally perpendicular to central longitudinal axis 11, at least at its intersection with the longitudinal axis 11. (Col. 8, ll. 5-10). Thus, the stiffened elements 26, 28 in Glasgow are arranged so that the segment of the stiffened element that crosses the longitudinal axis 11 is arranged *perpendicularly to the longitudinal axis 11*.

It is noted that all of the figures in Glasgow show stiffened elements being structured such that the segment of the stiffened element that crosses the longitudinal axis is arranged perpendicularly relative to the longitudinal axis. Even in those embodiments of Glasgow that include a curved stiffened element (See Figure 12), the segment of the stiffened element that crosses the longitudinal axis is arranged such that it is perpendicular to the longitudinal axis.

Stiffened elements 26, 28, in use, resist transverse compression and bunching; and may bend along axes of bending, if such are present as in embossed channels, *the axes of bending coinciding with transverse axes of napkin 30*. (Col. 8, ll. 42-48). Thus, the stiffened elements 26, 28, if they are structured to bend at all, bend along the transverse axes of the napkin. In other words, if the stiffened elements 26, 28 bend at all during use, they bend in a manner that is *perpendicular* relative to the longitudinal axis 11.

The nonstiffened regions 27, 29, in use enable the absorbent product to preferentially bend transversely to the longitudinal axis of the absorbent element. (Col. 8, ll. 49-51). Thus, the nonstiffened regions 27, 29 are arranged transversely, or *perpendicularly*, to the longitudinal axis 11.

In view of the above it is clear that both the nonstiffened regions 27, 29 as well as the stiffened elements 26, 28 disclosed in Glasgow are arranged in a transverse or perpendicular manner relative to the longitudinal axis.

In the Office Action the Examiner contends that Glasgow discloses all of the features recited in claim 1, in particular the Examiner states:

Glasgow discloses a sanitary napkin comprising a main body with a longitudinal axis, a first longitudinal side area and an opposite longitudinal side area and a central region intermediate said two opposite side areas (figure 12), a preferential bending zone extending from one longitudinal side area to an opposite longitudinal side area, said preferential zone having a first end located in said first longitudinal side area and a second end located in said opposite longitudinal side area, said preferential bending zone including a segment crossing the longitudinal axis obliquely in relation to said longitudinal axis as set forth in figure 12. (Office Action, page 3.)

In the above referenced paragraph it is not clear whether the Examiner is alleging that the “preferential bending zone” recited in claim 1 corresponds to the stiffened elements 81 and 82 shown in Fig. 12 of Glasgow or whether the Examiner is alleging that the “preferential bending zone” recited in claim 1 corresponds to the nonstiffened regions 27, 29 of Glasgow. Clarification is respectfully requested.

Regardless of which structure the Examiner is referring to, it is respectfully submitted that Glasgow fails to anticipate the claimed invention. As discussed above, the stiffened elements (81 and 82 in Fig. 12) disclosed in Glasgow are arranged such that the segment of the stiffened element that crosses the longitudinal axis is arranged perpendicularly relative to the longitudinal axis. Likewise, the nonstiffened regions 27, 29 of Glasgow are arranged enable the absorbent product to preferentially bend transversely to the longitudinal axis of the absorbent element.

Conversely the claimed invention according to claim 1 recites that the preferential bending zone includes a segment that crosses the longitudinal axis of the sanitary napkin, the segment crossing the longitudinal axis obliquely in relation to said longitudinal axis. Glasgow fails to disclose any such structure. For this reason, Glasgow fails to disclose the claimed invention according to claim 1. Claims 2-11 depend either directly or indirectly from claim 1 and thus it is respectfully submitted that these claims are also allowable for the reasons set forth above.

Claims 1, 3-4, 6-7, and 9-11 were rejected under 35 USC 102(b) as being anticipated by DE29703589 (hereinafter DE '589). The Examiner has essentially repeated the rejections previously raised. The Examiner's rejection is respectfully traversed.

Claim 1 was previously amended to recite that the claimed sanitary napkin includes:  
a preferential bending zone extending from one longitudinal side area to an opposite longitudinal side area, said preferential bending zone having *a first end located in said first longitudinal side area and a second end located in said opposite longitudinal side area* ... (Emphasis added).

It is respectfully submitted that DE '589 fails to disclose the structure recited in claim 1. Fig. 2 of DE '589 shows a cross-sectional view of Fig. 1. Area 7 is shown as an indentation of the material on the right longitudinal side of the central axis. Turning to Fig. 1, area 7 begins and ends in the right longitudinal side of the central axis. The areas 7 identified by the Examiner in DE '589 do not have *a first end located in said first longitudinal side area and a second end located in said opposite longitudinal side area* in the manner of the claimed invention. Rather each end of area 7 is located within the same longitudinal side area.

The above arguments were set forth in Applicant's response filed November 11, 2005. In response to the above arguments, the Examiner states in the present Office Action:

Regarding the applicant's argument that DE '589 does not have a first end located in the first longitudinal side area and a second end located in an opposite longitudinal side area, the examiner disagrees. The top of the napkin can be considered as a first longitudinal side area and the bottom of the napkin can be considered an opposite longitudinal side area. Alternatively, the preferential bending zone may be considered as a whole, with opposite ends of each individual segment being opposite each other. (Office Action, p. 7).

It is not clear to the Applicant how the top and bottom of the napkin could constitute the longitudinal side areas as claimed. However, in an effort to further clarify claim 1, claim 1 has been amended herein to specify that the longitudinal side areas are located on opposite sides of the longitudinal axis. Thus, the top and bottom of the napkin disclosed in DE '589 clearly cannot constitute the "longitudinal side areas" as alleged by the Examiner.

Accordingly it is respectfully submitted that DE '589 fails to disclose the claimed invention. Claims 2-11 depend either directly or indirectly from claim 1 and thus it is submitted that these claims are also allowable for the reasons set forth above.

Claim 2 was rejected under 35 USC 103 as being unpatentable over Glasgow. Claim 2 is dependent upon claim 1 and thus includes all of the elements thereof. Therefore, it is submitted that claim 2 is patentable over Glasgow for the reasons set forth above with respect to claim 1.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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